



☐ As the Administrator, Administrator ad Prosequendum, or other representative of the Estate of \_\_\_\_\_ (hereinafter “Decedent”), who died on \_\_\_\_\_.

4. Plaintiff asserts that he was administered the New England Compounding Pharmacy, Inc. (“NECC”) drug Methylprednisolone Acetate (hereinafter referred to as “NECC drug”), causing injuries and damages.

5. The aforesaid administration of the NECC drug occurred on: September 11, 2012 at Specialty Surgery Center, PLLC, which located in Crossville, Tennessee. The injection was administered by Dr. Kenneth R. Lister.

6. Specialty Surgery Center, PLLC is hereinafter referred to as “Clinic Related Defendant.”

7. Plaintiff(s) adopt(s) and incorporate(s) by reference the following Causes of Action asserted against the Defendants in the Master Complaint:

- ☒ COUNT II: NEGLIGENCE AND GROSS NEGLIGENCE (Against UniFirst)
- ☒ COUNT III: NEGLIGENCE AND GROSS NEGLIGENCE (Against Clinic Related Defendant)
- ☒ COUNT IV: VIOLATION OF CONSUMER PROTECTION STATUTES (Against Clinic Related Defendant)

Plaintiff(s) allege violation of the following consumer protection statute(s): T.C.A. § 47-18-101, *et seq.*

- ☒ COUNT VI: VIOLATION OF M.G.L. C. 93A (Against UniFirst)
- ☒ COUNT VII: BATTERY (Against Clinic Related Defendant)
- ☒ COUNT VIII: FAILURE TO WARN (Against Clinic Related Defendant)
- ☒ COUNT IX: TENNESSEE PRODUCT LIABILITY CLAIMS (Against Tennessee Clinic Related Defendant)

- ☒ COUNT X: AGENCY (Against Clinic Related Defendants)
- ☒ COUNT XI: CIVIL CONSPIRACY (Against Clinic Related Defendants)
- ☐ COUNT XII: WRONGFUL DEATH PUNITIVE DAMAGES (Against UniFirst and Clinic Related Defendants)
- ☐ COUNT XIII: LOSS OF CONSORTIUM (Against UniFirst and Clinic Related Defendants)
- ☒ COUNT XIV: PUNITIVE DAMAGES (Against UniFirst and Clinic Related Defendants)

8. Plaintiff(s) have sent or served the pre-suit notice or demand requirements necessary to bring the claims set forth below, as required under Tenn. Code Ann. §§ 29-26-121 and 29-26-122.

9. Plaintiff John Johnson claims to have suffered the following injuries as a result of the administration of NECC's drug: exposure to contaminated steroid; various symptoms of fungal meningitis including but not limited to: nausea, neck stiffness, headache and fever, all of which necessitated a painful lumbar puncture procedure, as well as emotional distress.

WHEREFORE, Plaintiff(s) demand(s) Judgment against the Defendants awarding compensatory damages, punitive damages, attorneys' fees, interest, costs of suit, and such further relief as the Court deems equitable and just.

Plaintiff(s) reserve the right to amend this Complaint to add allegations and claims against individuals or entities currently omitted (in light of the Court's order permitting a Master Complaint naming defendants affiliated with NECC and currently participating in mediation by December 20) and to add or amend allegations against Defendants named herein based, in part, on further discovery.

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**JURY DEMAND**

Plaintiff(s) hereby demand(s) a trial by jury.

Respectfully submitted,

**GOLOMB & HONIK, P.C.**

*/s/ Kevin W. Fay*

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*Attorneys for Plaintiffs*

**Date: December 19, 2013**

**CERTIFICATE OF SERVICE**

I, Kevin W. Fay, hereby certify that on this 19<sup>th</sup> day of December 2013, I caused a copy of the above Short Form Complaint to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's system, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

/s/ Kevin W. Fay  
Kevin W. Fay